

Order

Michigan Supreme Court
Lansing, Michigan

September 15, 2006

Clifford W. Taylor,
Chief Justice

128515

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 128515
COA: 250006
Oakland CC: 2002-187306-FH

ALVIN C. WALKER, JR.,
Defendant-Appellant.

By order of June 17, 2005, we granted leave to appeal the March 24, 2005 judgment of the Court of Appeals and ordered that this case be argued and submitted together with the case of *People v Mileski* (Docket No. 127457), 472 Mich 928 (2005). By order of November 18, 2005, this case was held in abeyance pending the decisions in *Davis v Washington*, cert gtd __ US __; 126 S Ct 547; 163 L Ed 2d 458 (2005), and *Hammon v Indiana*, cert gtd __ US __; 126 S Ct 552; 163 L Ed 2d 459 (2005). On order of the Court, the consolidated cases having been decided on June 19, 2006, *Davis v Washington*, __ US __; 126 S Ct 2266; 165 L Ed 2d 224 (2006), we VACATE our June 17, 2005 order granting leave to appeal and we VACATE in part the March 24, 2005 judgment of the Court of Appeals. We REMAND this case to the Court of Appeals for reconsideration of the defendant's Confrontation Clause issue in light of *Davis*. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should now be reviewed by this Court. We DIRECT the Court of Appeals' attention to the fact that we have also remanded *People v Mileski* to the Court of Appeals for reconsideration in light of *Davis*.

We do not retain jurisdiction.

KELLY, J., would not vacate the June 17, 2005, order granting leave to appeal and would hear oral argument on the case.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 15, 2006

Corbin R. Davis

Clerk